

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JACQUELIN FULTON,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

13 Civ. 3463 (LGS)

OPINION AND ORDER

LORNA G. SCHOFIELD, District Judge:

Before the Court is the Report and Recommendation of Magistrate Judge James Francis (“Report”), recommending that Defendant’s motion for judgment on the pleadings be granted and the Complaint be dismissed. For the reasons stated below, the Report is adopted in its entirety.

Plaintiff Jacquelin Fulton, pro se, filed the Complaint in this action on May 22, 2013, seeking review of the denial of her applications for Supplemental Social Security Income and Disability Insurance Benefits by the Administrative Law Judge (“ALJ”). [Docket No. 1]. On May 30, 2013, the case was referred to Judge Francis. On March 2, 2014, Defendant moved for judgment on the pleadings under Rule 12(c) of the Federal Rules of Civil Procedure. Plaintiff did not file an opposition to the motion. On June 27, 2013, Judge Francis issued the Report, deeming the motion fully submitted and finding that the ALJ’s decision was supported by substantial evidence in the record and contained no legal error. [Docket No. 26]. No objections were filed to the Report.

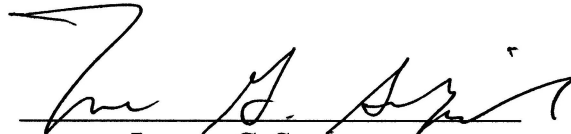
A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). The district court “may adopt those portions of the report to

which no specific, written objection is made, as long as the factual and legal bases supporting the findings and conclusions set forth in those sections are not clearly erroneous or contrary to law.”

Adams v. New York State Dep’t of Educ., 855 F. Supp. 2d 205, 206 (S.D.N.Y. 2012) (internal quotation marks omitted) (citing Fed. R. Civ. P. 72(b); *Thomas v. Arn*, 474 U.S. 140, 149 (1985)).

The factual and legal bases underlying the Report are not clearly erroneous or contrary to law. Accordingly, the Report is ADOPTED in its entirety as the decision of the Court. Defendant’s motion for judgment on the pleadings is GRANTED. The Clerk of Court is directed to close the motion at Docket No. 22 and to close this case.

Dated: October 24, 2014
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE